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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,187	03/21/2001	Shigeaki Watanabe	NAK1-BA81a	7440

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EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/814,187

Applicant(s)

WATANABE ET AL.

Examiner

Chris Lambrecht

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 43-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 43-53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,900,905 ("Shoff").

Regarding claims 43 and 53, Shoff discloses a data display control apparatus (18) (figs.1 & 2) and storing medium containing a corresponding program (col.5 ll.39-45), comprising:

a receiving unit (50) (fig.2) for receiving an MPEG 2 transport stream having a plurality of contents therein which make up a broadcast program (col.2 ll.59-67, col.3 ll.14-20), the plurality of contents each being a unit of information for which interactive operations are provided to a user to be performed (col.6 ll.17-38), each unit of information including link information for indicating at least one of the other units of information (col.6 ll.47-50), whereby performance of one of the interactive operations provided to the user by the unit of information being displayed will cause the linked unit of information to be displayed (col.6 ll.20-28);

an extracting unit (58) (fig.2) for separating data necessary for a display of each of the plurality of contents from the MPEG 2 transport stream received by the receiving unit (col.5 ll.39-45, col.7 l.66-col.8 l.10);

a data storage unit (60) (fig.2) for storing the separated data (col.8 ll.8–10);

a display control unit (58) for controlling the display of the plurality of contents in response to performance of an interactive operation by the user (col.5 ll.46–59, col.6 l.55–col.7 l.24), wherein each of the plurality of contents has at least one instruction for controlling the display of the content and time control information for indicating a time at which the instruction is to be executed (col.9 l.66–col.10 l.10), and link information for indicating at least one of the other contents before the time specified by the time control information (col.10 ll.36-49);

a present time information obtaining unit (system clock) for obtaining a present time (col.9 ll.58-61); and

a time information judging unit for judging whether the instruction should be executed by comparing the present time with the time indicated by the time control information (col.9 ll.58-61), wherein

the display control unit, in the case where the time information judging unit judges that the instruction should be executed, changes the display of the currently displayed content by executing the instruction (col.9 ll.50-65), and the display control unit executes an instruction specified by handler information included in the MPEG 2 transport stream in response to performance by the user of one of the interactive operations by the user, to change the currently displayed content into one of the other contents indicated by the link information included in the currently displayed content (col. 8, l.44 – col.9 l.1).

As to claim 44, Shoff discloses the data display control apparatus of claim 43 further comprising an operation indication receiving unit for receiving an operation indication inputted by a user (66, fig.2), wherein the time control information includes, for each of the operation

Art Unit: 2623

indications, a combination of (a) a piece of handler information specifying an instruction (172, fig.7b) in correspondence with each of the operation indications, and (b) a valid period of the piece of handler information (166, 168; fig.7B; col.10 ll.36-49); and in the case where the display control unit is displaying a content and the operation indication receiving unit has received an operation indication from the user, the display control unit changes the display of the currently displayed content by executing the instruction specified by the piece of handler information, if the present time obtained by the present time information obtaining unit is within the valid period that is combined with the piece of handler information corresponding to the operation indication received (col.8 l.51 – col. 9 l.1).

As to claim 45, Shoff discloses the data display control apparatus of claim 44, wherein the instruction is an instruction for switching the content being displayed over to the linked content indicated by the link information of the content being displayed, and the display control unit changes the content being displayed into the linked content by executing the instruction (col.12 ll.9-28).

As to claim 46, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes on-screen information for forming image data and on-screen graphics to be displayed superimposed on the image data (col.11 ll.15-36), the on-screen information includes, for each of the on-screen graphics, initial state information for indicating a state of the on-screen graphics at a beginning of a display of each of the plurality of contents, the instruction includes another instruction for changing the state of the on-screen graphics being displayed, and the display control unit, upon displaying each of the plurality of contents, displays the on-screen graphics in the state indicated by the initial state information, and in the case where

the time information judging unit judges that the instruction should be executed, changes the state of the on-screen graphics being displayed, by executing the instruction (col.12 ll.29-41).

As to claim 47, see Shoff as applied to claim 46, above.

As to claim 48, Shoff discloses the data display control apparatus of claim 44, wherein the time information judging unit judges that the instruction should be executed when the present time obtained reaches the time indicated by the time control information (col.9 ll.52-61).

As to claim 49, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes on-screen information for forming on-screen graphics; the display control unit displays the on-screen graphics according to the on-screen information; and the time information judging unit judges that the instruction should be executed in the case where the present time obtained reaches the time indicated by the time control information while the on-screen graphics are being displayed (see col.11 ll.45-64).

As to claim 50, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents further includes audio data (sound file) and reproduction time control information for indicating a time at which the audio data is to be reproduced (col.9, ll.1-7); and the data display control apparatus controls reproduction of the audio data according to the time indicated by the reproduction time control information (col.8 ll.44-53).

As to claim 51, Shoff discloses the data display control apparatus of claim 44, wherein each of the plurality of contents includes time information for indicating a time at which the content has been transmitted (col.8 ll.3-7), when the display control unit displays the content to be displayed, the extracting unit separates the time information from the MPEG 2 transport stream received by the receiving unit and stores the time information in the data storage unit

Art Unit: 2623

(col.8 ll.8-15); and the present time information obtaining unit obtains the present time by specifying the present time according to the time information stored in the data storage unit (col.10 ll.16-25).

As to claim 52, Shoff discloses the data display control apparatus of claim 44, wherein the present time information obtaining unit obtains the present time by measuring an elapsed time from a certain standard timing (col.10 ll.5-25).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See: Gerba et al., U.S. Patent No. 5,931,908 (fig.6); Broadwin et al., U.S. Patent No. 5,929,850 (abstract); Fries, U.S. Patent No. 6,317,885 (figs.6-10).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2623


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on weekdays from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on weekdays at (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris Lambrecht
Examiner
Art Unit 2623

CL


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